

# **Exhibit 1**

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

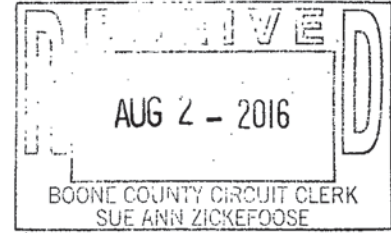
**CHARLES FLEMING, and  
MICHAEL WEBB,**

Plaintiffs,

v.

**THE TRAVELERS INDEMNITY COMPANY,  
HIGHLAND MINING COMPANY, and  
SPARTAN MINING COMPANY d/b/a  
MAMMOTH COAL COMPANY,**

Defendants.



Civil Action No: **16-C-130**  
(Hon. William S. Thompson, Judge)

**COMPLAINT**

Plaintiffs Charles Fleming and Michael Webb file this declaratory judgment action against Defendants The Travelers Indemnity Company, Highland Mining Company, and Spartan Mining Company d/b/a Mammoth Coal Company, and allege the following:

**PARTIES**

1. At all times relevant herein Plaintiff Charles Fleming has been a resident of Logan County, West Virginia, and was employed by Defendant Highland Mining Company (Defendant Highland).
2. At all times relevant herein Plaintiff Michael Webb has been a resident of Fayette County, West Virginia, and was employed by Defendant Spartan Mining Company d/b/a Mammoth Coal Company (Defendant Mammoth).

3. Defendant The Travelers Indemnity Company (Defendant Travelers) is a foreign corporation that does business in Boone County, West Virginia, and provides liability insurance coverage for Defendants Highland, Mammoth, and other subsidiaries, corporations, companies, and entities related to Alpha Natural Resources, Inc.
4. Defendant Highland Mining Company is a West Virginia corporation and at all times relevant herein, conducted business in Boone County, West Virginia. Defendant Highland has an interest and is a necessary party in this declaratory judgment action because it is an insured under the policy issued by Defendant Travelers.
5. Defendant Spartan Mining Company d/b/a Mammoth Coal Company is a West Virginia corporation and at all times relevant herein, conducted business in and has its office located in Boone County, West Virginia. Defendant Mammoth has an interest and is a necessary party in this declaratory judgment action because it is an insured under the policy issued by Defendant Travelers.
6. Plaintiffs also are plaintiffs in a putative class action pending in this Court in the case styled *Charles Fleming, individually and on behalf of all others similarly situated, and Michael Webb, individually and on behalf of all others similarly situated v. Alpha Natural Resources Services, LLC, Highland Mining Company, Spartan Mining Company d/b/a Mammoth Coal Company, and John Doe West Virginia Companies 1 Through 4*, Civil Action No. 12-C-122.
7. Boone County Civil Action No. 12-C-122 has been from the time Alpha Natural Resources, Inc., and all of its subsidiaries, including Defendants Highland and Mammoth, filed for bankruptcy on August 3, 2015.

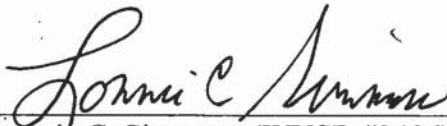
8. On July \_\_, 2016, the Bankruptcy Court approved a joint stipulation, which lifted the automatic bankruptcy stay imposed by 11 U.S.C. §362, with respect to multiple pending or potential civil actions, including Boone County Civil Action No. 12-C-122, to the extent the claims raised in such litigation are covered by the insurance policy issued by Defendant Travelers. A copy of the order approving the joint stipulation is attached.
9. Plaintiffs contend the applicable Defendant Travelers insurance policy relevant to Boone County Civil Action No. 12-C-122, provides liability coverage for the claims asserted in that civil action.
10. Plaintiffs have an interest in having this insurance coverage issue resolved because, as a result of the bankruptcy, unless there is insurance coverage for Plaintiffs' claims asserted in Boone County Civil Action No. 12-C-122, Plaintiffs may not be able to recover any damages directly from the bankrupted entities.
11. Plaintiffs respectfully seek a declaratory ruling from the Court, pursuant to the West Virginia Declaratory Judgments Act, W.Va.Code §55-13-1, *et seq.*, and specifically **not pursuant** to any federal statute, explaining Defendant Travelers' duties and obligations owed to Defendants Highland, Mammoth, and others based upon the allegations asserted in the Complaint pending in Boone County Civil Action No. 12-C-122.

WHEREFORE, Plaintiffs Charles Fleming and Michael Webb respectfully move this Court to permit the parties to brief the coverages provided by the insurance policy issued by Defendant The Travelers Indemnity Company to Defendants Highland and Mammoth, and to issue a declaratory

judgment explaining Defendant Travelers' duties and obligations owed to Defendants Mining Company, Spartan Mining Company d/b/a Mammoth Coal Company, and others based upon the allegations asserted in the complaint pending in Civil Action No. 12-C-122. Furthermore, Plaintiffs seek attorneys' fees, costs, and such other relief as the Court deems appropriate.

**CHARLES FLEMING, and MICHAEL WEBB,**  
Plaintiffs,

--By Counsel--



Lonnie C. Simmons (WVSB #3406)  
Sean P. McGinley (WVSB #5836)  
Robert M. Bastress, III (WVSB #9616)  
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**MCGINLEY & SIMMONS, PLLC**  
P.O. Box 1631  
Charleston, West Virginia 25326-1631  
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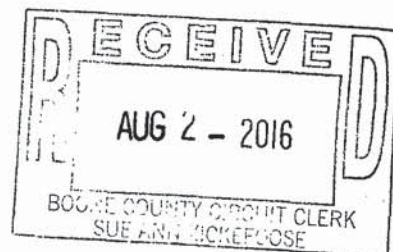


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Justin F. Paget (VSB No. 77949)



**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:	)	
Alpha Natural Resources, Inc., <i>et al.</i> ,	)	Chapter 11
Debtors.	)	Case No. 15-33896 (KRH)
	)	(Jointly Administered)

**STIPULATION AND AGREED ORDER GRANTING LITIGATION CLAIMANTS  
RELIEF FROM THE AUTOMATIC STAY TO PURSUE INSURANCE COVERAGE**

This Stipulation and Agreed order is entered into by and between: (a) the above-captioned debtors and debtors in possession (collectively, the "Debtors"); and (b) the claimants identified more specifically in Paragraph 3 below (collectively, the "Claimants" and, collectively with the debtors, the "Parties").

**RECITALS**

1. On or about August 3, 2015 (the "Petition Date"), each Debtor commenced a voluntary case under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"). The Debtors are authorized to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy

Code. The Debtors' cases (the "Chapter 11 Cases") are being jointly administered pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

2. The Court has subject matter jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b) and may be determined by the Bankruptcy Court.

3. The following Claimants purport to hold prepetition claims against one or more Debtors and pursuant to their *Joint Motion of West Virginia Litigation Claimants for Relief from the Automatic Stay* (Docket No. 490) (the "Automatic Stay Motion") have sought relief from the automatic stay under section 362 of the Bankruptcy Code (the "Automatic Stay") to pursue insurance coverage that may be available under one or more insurance policies issued to or providing coverage to the Debtors to satisfy their claims (the "Available Coverage"):

1. Adam Griffith has unfiled claims against Kingston Mining, Inc. and Alpha Natural Resources for alleged personal injuries suffered 05/28/2014. (Hrko)

2. Lewis W. Sheppard, Jr., plaintiff, holds purported claims against Alpha Natural Resources Services, LLC, Alpha Appalachia Services, Inc. and Maxxim Shared Services, LLC for wrongful termination which occurred on or about November 15, 2013, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 14-C-92. (H. Hatfield)

3. Ronald B. Gobble, plaintiff, holds purported claims against Alpha Natural Resources Services, LLC, Alpha Appalachia Services, Inc., Independence Coal Company, Inc. and Spartan Mining Company d/b/a Black Knight Mining Company for wrongful termination which occurred on or about December 19, 2013, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 14-C-93. (H. Hatfield)

4. Bobby Castle, plaintiff, holds purported claims against Alpha Natural Resources Services, LLC, Alpha Appalachia Services, Inc., Independence Coal Company, Inc. and Spartan Mining Company d/b/a Black knight Mining Company for wrongful termination which occurred on or about June 6, 2013, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 14-C-138. (H. Hatfield)



5. James R. Rowe, plaintiff, holds purported claims against Alpha Natural Resources Services, LLC, Alpha Appalachia Services, Inc. and Marfork Coal Company, Inc. for wrongful termination which occurred on or about September 26, 2014, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 14-C-212. (H. Hatfield)

6. Danny Harper, plaintiff, holds purported claims against Independence Coal Company, Inc., Alpha Natural Resources Services, LLC and Alpha Natural Resources, Inc. for wrongful termination which occurred on or about July 6, 2011, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 12-C-55. (H. Hatfield)

7. Tommy Allen Hanna, plaintiff, holds purported claims against Alpha Natural Resources Services, LLC, Alpha Appalachia Services, Inc. and Black Castle Mining Company, Inc. for wrongful termination which occurred on or about September 22, 2014, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 14-C-211. (H. Hatfield)

8. Ernie Belcher, plaintiff, holds purported claims against Alpha Natural Resources, Inc., Alpha Natural Resources, LLC, Alpha Natural Resources Services, LLC and Spartan Mining Company for wrongful termination which occurred on or about June 7, 2013, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 15-C-126. (H. Hatfield)

9. Jamie Johnson, plaintiff, holds purported claims against Alpha Natural Resources Services, LLC, Alpha Appalachia Services, Inc. and Marfork Coal Company, Inc. for wrongful termination and wage payment violations which occurred on or about January 10, 2014, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 14-C-141. (H. Hatfield)

10. Robert L. "Dusty" Cook, II, plaintiff, holds purported claims against Elk Run Coal Company, Inc., Spartan Mining Company, d/b/a Mammoth Coal Company, Alpha Appalachia Services, Inc. and Alpha Natural Resources, Inc. for wrongful termination which occurred on or about September of 2012, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 14-C-147. (H. Hatfield)

11. David McLaine, plaintiff, holds purported claims against Elk Run Coal Company, Inc., Alpha Natural Resources Services, LLC and Alpha Natural Resources, Inc. for wrongful termination which occurred on or about June 23, 2013, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia in Civil Action No. 14-C-148. (H. Hatfield)

12. Brian Blavin holds purported claims against Alpha Natural Resources, Inc., Republic Services, Inc., and Alpha Natural Resources Services, LLC in an



employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-91. (Atkinson)

13. Shawn Bodkin holds purported claims against Alpha Natural Resources, Inc., Alex Energy Inc., and Alpha Natural Resources Services, LLC in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-90. (Atkinson)

14. Cooper holds purported claims against Alpha Natural Resources, Inc., Alpha Natural Resources Services, LLC, and Independence Coal Company, Inc. in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-112. (Atkinson)

15. Dalton holds purported claims against Alpha Natural Resources, Inc., Alpha Natural Resources Services, LLC, and Alex Energy, Inc. in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-110. (Atkinson)

16. Banks holds purported claims against Alpha Natural Resources, Inc., Alex Energy, Inc., and Alpha Natural Resources Services, LLC in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-95. (Atkinson)

17. Justice holds purported claims against Alpha Natural Resources, Inc., Alpha Natural Resources Services, LLC, and Alex Energy, Inc. in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-114. (Atkinson)

18. Neff holds purported claims against Alpha Natural Resources, Inc., Alex Energy, Inc., and Alpha Natural Resources Services, LLC in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-94. (Atkinson)

19. Shepherd holds purported claims against Alpha Natural Resources, Inc., Alpha Natural Resources Services, LLC, and Independence Coal Company, Inc. in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-113. (Atkinson)

20. Spencer holds purported claims against Alpha Natural Resources, Inc., Alex Energy, Inc., and Alpha Natural Resources Services, LLC in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-111. (Atkinson)

21. Underwood holds purported claims against Alpha Natural Resources, Inc., Alex Energy Inc., and Alpha Natural Resources Services, LLC in an

Case 15-33896-KRH

73 Filed 07/29/16 Entered 07/29/16 16:52:33 Desc Main Document Page 5 of 21

employment and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-93. (Atkinson)

22. Turney holds purported claims against Alpha Natural Resources, Inc., Republic Engineering Services, LLC, and Alpha Natural Resources Services, LLC in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-92. (Atkinson)

23. Hs holds purported claims against Alpha Natural Resources, Inc., and Alpha Natural Resources Services, LLC in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-129. (Atkinson)

24. Simpkins holds purported claims against Black Castle Mining Company, LLC, Alpha Natural Resources Services, LLC, Alpha Natural Resources, Inc., Alpha App Services, LLC, and Maxxim Shared Services, LLC in an employment discrimination and retaliation action in the Circuit Court of Boone County, West Virginia, Case No. 15-C-5. (Atkinson)

25. Blankenship and April Blankenship have purported claims against Brookhaven Mining Company, LLC, Maxxim Shared Services, LLC, Alpha Natural Resources, Inc., Alpha Natural Resources Services, LLC, Amfire, LLC and Brooks Run Mining, LLC, for personal injuries suffered on October 20, 2012 and resulting in a civil action that was removed from the Circuit Court of Boone County, West Virginia, and is pending in the United States District Court for the District of West Virginia, Civil Action No. 2:14-26268. (FCC)

26. Eastridge has purported claims against Alpha Natural Resources Services, LLC, for wrongful termination which occurred on or about June 6, 2014, which claims are pending in a civil action in the Circuit Court of Raleigh County, West Virginia, Case No. 15-C-575. (FCC)

27. Eastridge has purported claims against Alpha Natural Resources Services, LLC, for wrongful termination which occurred in April of 2015, which claims are pending in a civil action in the Circuit Court of Fayette County, West Virginia, Case No. 15-C-154. (FCC)

28. Patterson, Sr. has purported claims against Alpha Natural Resources Services, LLC and Kingston Mining, Inc., for wrongful termination which occurred on or about October 2, 2014, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia, Civil Action No. 15-C-152. (FCC)

29. Smith has purported claims against Alpha Natural Resources Services, LLC, for wrongful termination which occurred on or about October 15, 2014, which claims are pending in a civil action in the Circuit Court of Raleigh County, West Virginia, Case No. 15-C-414. (FCC)

30. Richard Acree, Jr., has purported claims against Alpha Natural Resources Services, LLC for wrongful termination which occurred on or about September 1, 2012, which claims are pending in a civil action in the Circuit Court of West Virginia, Civil Action No. 15-C-327. (FCC)
31. [redacted] has purported claims against Black Castle Mining Company and Alpha Natural Resources Services, LLC for wrongful termination which occurred on or about June 1, 2012, which claims are pending in a civil action in the Circuit Court of West Virginia, Civil Action No. 13-C-89. (FCC)
32. Daniel [redacted] has purported claims against Elk Run Coal Company, Inc., for wrongful termination which occurred on or about February of 2012, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia, Civil Action No. 13-C-160. (FCC)
33. Wayne Querry has purported claims against Spartan Mining Company and Marfork Coal, for wrongful termination which occurred on or about January 29, 2012, which claims are pending in a civil action in the Circuit Court of West Virginia, Civil Action No. 14-C-1530. (FCC)
34. [redacted] in Russ has purported unfiled claims against Alpha Natural Resources Services, LLC for wrongful termination which occurred on or about April 21, 2015. (FCC)
35. [redacted] David Hackney has purported claims against Alpha Natural Resources Services, LLC for wrongful termination which occurred on or about May 9, 2015. (FCC)
36. A. Foster has purported claims against Marfork Coal Company, Alpha Appal [redacted] Services, Inc. and Maxxim Shared Services, LLC for personal injuries sustained on or about May 15, 2013. (BJC)
37. N. O'Dell, individually and as Administratrix of the Estate of [redacted] has purported claims against Alpha Appalachia Services, Inc., White Buck Coal Company, Inc. and Maxxim Shared Services, LLC for the death of [redacted] on or about September 30, 2012, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia, Civil Action No. 14-C-166. (BJC)
38. [redacted] Spaulding and Judy Spaulding have purported claims against [redacted] Inc., Alpha Appalachia Services, Inc. and Maxxim Shared Services, Inc. for occupational disease due to continuous exposure during Mr. [redacted] Spaulding's employment, which claims are pending in a civil action in the Circuit Court of West Virginia, Civil Action No. 15-C-52. (BJC)



39. Wilcox and Caitlin Wilcox have purported claims against Marfork Coal Company, Inc., Elk Run Coal Company, Inc., Services, Inc., for occupational disease due to continuous exposure during Mr. Wilcox's employment, which claims are pending in a civil action in the Circuit Court of Wyoming County, West Virginia, Civil Action No. 15-C-145. (BJC)
40. Lively and Jessica Lively have purported claims against Marfork Coal Company, Inc. and Alpha Appalachia Services, Inc. for occupational disease due to continuous exposure during Mr. Lively's employment, which claims are pending in a civil action in the Circuit Court of Wyoming County, West Virginia, Civil Action No. 15-C-144. (BJC)
41. Crislip has purported unfiled claims against Alex Energy, Inc., Services, Inc. and Maxxim Shared Services, LLC, for personal injuries sustained on May 8, 2012. (BJC)
42. E. Poore and Jessica Poore have purported claims against Marfork Coal Company, Inc. for personal injuries sustained by Mr. Poore on May 8, 2012, which claims are pending in a civil action in the Circuit Court of Wyoming County, West Virginia, Civil Action No. 15-C-64. (BJC)
43. Lough and Kathy Lough have purported claims against Alpha Appalachia Services, Inc., Green Valley Coal Company, White Buck Coal Company, Maxxim Shared Services, Inc., for occupational disease due to continuous exposure during Mr. Lough's employment, which claims are pending in a civil action in the Circuit Court of Wyoming County, West Virginia, Civil Action No. 15-C-134. (BJC)
44. [Redacted] has purported claims against Marfork Coal Company, Inc., for personal injuries sustained on August 6, 2013, which claims are pending in a civil action in the Circuit Court of Boone County, West Virginia, Civil Action No. 15-C-134. (BJC)
45. [Redacted] has purported unfiled claims against Spartan Mining Company, Inc. and Black Castle Mining, for personal injuries sustained on April 2, 2013. (BJC)
46. [Redacted] and Tamara Hager hold purported claims against Alpha Appalachia Services, LLC and Spartan Mining Company as a result of personal injuries sustained on September 3, 2013, which claims are pending in a civil action in the Circuit Court of Wyoming County, West Virginia, Civil Action No. 15-C-16. (Berthold)
47. [Redacted] and Amanda O'Dell hold purported claims against Kingston Coal Company, Inc. as the result of a personal injury suffered on October 10, 2013. (D. Adkins)

Case 15-33896-KP

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48. [redacted] and Elk River [redacted] holds purported claims against Defendants Carlos McGraw for personal injury that occurred on or about 4/1/11 that are [redacted] of Raleigh County WV CA# 13-C-239B. (J. Jones)

49. [redacted] action claim [redacted] Plaintiff and class representative, has purported class [redacted] Natural Resources Services, LLC, Highland Mining [redacted] Company [redacted] d/b/a Mammoth Coal Company for wage [redacted] [redacted] 12, which claims are pending in a civil action in [redacted] County, West Virginia, Civil Action No. 12-C-122. (L. Simmons)

50. [redacted] North Surface [redacted] holds purported claims against Alex Energy, Inc. d/b/a [redacted] wrongful termination that occurred on April 3, 2012, which [redacted] action in the Circuit Court of Logan County, West Virginia, [redacted] (L. Simmons)

51. [redacted] Surface Mining [redacted] holds purported claims against Alex Energy, Inc. d/b/a North [redacted] termination that occurred on April 3, 2012, which claims are [redacted] the Circuit Court of Logan County, West Virginia, Civil [redacted] Simmons

52. [redacted] d/b/a Mammoth [redacted] when held purported claims against Spartan Mining Company [redacted] wrongful termination that occurred on April 3, 2012, [redacted] action in the Circuit Court of Raleigh County, West [redacted] (L. Simmons)

53. [redacted] d/b/a Mammoth [redacted] holds purported claims against Spartan Mining Company [redacted] wrongful termination that occurred on April 3, 2012, [redacted] a civil action in the Circuit Court of Raleigh County, West [redacted] 14-C-7 (L. Simmons)

54. [redacted] d/b/a Mammoth [redacted] holds purported claims against Spartan Mining Company [redacted] wrongful termination that occurred on April 3, 2012, [redacted] action in the Circuit Court of Kanawha County, West [redacted] (L. Simmons)

55. [redacted] d/b/a Mammoth [redacted] holds purported claims against Spartan Mining Company [redacted] wrongful termination that occurred on May 29, 2012, [redacted] action in the Circuit Court of Raleigh County, West [redacted] (L. Simmons)

56. [redacted] d/b/a Mammoth [redacted] holds purported claims against Spartan Mining Company [redacted] wrongful termination that occurred on April 3, 2012, [redacted] action in the Circuit Court of Raleigh County, West [redacted] (L. Simmons)

57. Plaintiff, as a putative class representative, has purported class action claims against Appalachian Services, LLC and Highland Mining Company for wrongful termination on or about October 7, 2013, which claims are pending in a civil action in Boone County, West Virginia, Civil Action No. 15-C-49. (Bailess)

58. Plaintiff has purported unfiled claim against Anna Branch Mining Company, Inc. under the West Virginia Wage Payment and Collection Act arising out of his layoff in 2012. (L. Simmons)

59. Plaintiff has purported unfiled claim against Spartan Mining Co. d/b/a Mountain Natural Resources, Inc. under the West Virginia Wage Payment and Collection Act arising out of his layoff in 2012. (L. Simmons)

60. Plaintiff has purported unfiled claim against Spartan Mining Co. d/b/a Mountain Natural Resources, Inc. under the West Virginia Wage Payment and Collection Act arising out of his layoff in 2012. (L. Simmons)

61. Plaintiff has purported unfiled claim against Mammoth Coal Co. and Mountain Natural Resources, Inc. under the West Virginia Wage Payment and Collection Act arising out of his layoff in 2012. (L. Simmons)

62. Plaintiff has purported unfiled claim against Appalachia Services, Inc. under the West Virginia Wage Payment and Collection Act arising out of his layoff in 2012. (L. Simmons)

63. Plaintiff has purported unfiled claim against Highland Mining Co. and Highland Mining Company, Inc. under the West Virginia Wage Payment and Collection Act arising out of his layoff in 2012. (L. Simmons)

64. Plaintiff has purported unfiled claim against Spartan Mining Co. d/b/a Mountain Natural Resources, Inc. under the West Virginia Wage Payment and Collection Act arising out of his layoff in 2012. (L. Simmons)

65. Plaintiff has purported unfiled claim against Alex Energy, Inc. d/b/a Mountain Natural Resources, Inc. under the West Virginia Wage Payment and Collection Act arising out of his layoff in 2012. (L. Simmons)

66. Plaintiff has purported unfiled claim against Spartan Mining Co. d/b/a Mountain Natural Resources, Inc. under the West Virginia Wage Payment and Collection Act arising out of his layoff in 2012. (L. Simmons)



Case 15-33896-K

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Page 10 of 21

67 North Star Payment as a purported unfiled claim against Alex Energy, Inc. d/b/a  
Resources, Inc. under the West Virginia Wage  
of his layoff in 2012. (L. Simmons)

68 d/b/a Ma th had a purported unfiled claim against Spartan Mining Co.  
Natural Resources, Inc. under the West Virginia  
ing out of his layoff in 2012. (L. Simmons)

69 and Alpha Des a purported unfiled claim against Republic Energy, Inc.  
the West Virginia Wage Payment and  
on November 1, 2013. (L. Simmons)

70 Services. s a purported claims against Alpha Natural Resources  
ices, Inc., Highland Mining Company, Inc. and  
Alex En ion and retaliation on or about October 3, 2011  
which c n in the Circuit Court of Boone County, West  
Virginia. Griffith)

71 claims a r of the Estate of Jeremy Sigler, has purported  
Resource l ngston Resources, Inc., and Alpha Natural  
punitive n onful death, negligence/breach of duty and  
pending e s nt took place on March 10, 2012, which claims are  
Action: in ount of Kanawha County, West Virginia, Civil  
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72 Elk Run s a purported claims against Spartan Mining Company,  
Inc., Al Mining Company, Alpha Appalachia Holdings,  
Resource opalachia Holding Company, and Alpha Natural  
persona ligence/breach of duty and punitive damages for  
action in r 28, 2010, which claims are pending in a civil  
(K.E. H ounty, West Virginia, Civil Action No. 12-C-257.

73 Process: vis have purported claims against Litwar  
Resource l Resources, LLC, and Alpha Natural  
for pers uty, punitive damages and loss of consortium  
action i er 12, 2010, which claims are pending in a civil  
216. (K ounty, West Virginia, Civil Action No. 12-C-

74 Browni l Browning, Michael Browning, Norene  
Lorrain rowning, Louise Chaffins, Dianna Cisco,  
Crum, oaff, Kathleen Croaff, Randall Crum, Rhonda  
Elkins. n. James K. Dotson, Kyle Dotson, II, Mildred  
Steven ries, Debbie A. Garrett, Bertha V. Harmon,  
sa Hatfield, Danny Hobbs, Larry E. Jude,

Case 15-33896-H

Filed 7/29/16 Entered 07/29/16 16:52:33 Desc Main  
Page 11 of 21

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Plaintiff J. Lewis, Teresa (Browning) Merritt, Dorothy  
Smith, Ronald Smith, Jason Keith Stratton,  
Way Welford, Hannah Grace Welford, and  
for property damage and related claims against  
Bridge Mining Company for events that occurred on  
are pending in a civil action in the Circuit Court  
Action No. 06-C-189. (K.E. Hall)

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Services  
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purported claims against Alpha Natural Resources  
Company for wrongful termination on or about  
pending in a civil action in the Circuit Court of  
Action No. 15-C-1060. (L. DiTrapano)

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purported claims against Alpha Natural  
Coal Company, Inc., for retaliation for  
persecution retaliation and discriminatory discharge  
on or about May 21, 2014, which claims are  
Circuit Court of Boone County, West Virginia, Civil  
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claims against Rockspring Development, Inc.  
of Evidence and against Alpha Natural  
of Evidence, Failure to Train and Failure to  
injuries he sustained on June 26, 2012, which  
of Cabell County, West Virginia, Civil Action

and Al  
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purported claims against Elk Run Coal Company, Inc.  
intentional exposure to injury, unsafe working  
and punitive damages for an injury sustained on  
pending in a civil action in the Circuit Court of  
-3. (M. Ranson)

Inc. an  
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claims against Logan County Mine Services,  
wrongful termination, sexual discrimination,  
and punitive damages for her discharge from  
claims are pending in a civil action in the Circuit  
Action No. 13-C-239. (M. Ranson)

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reported claims against Independence Coal  
to injury, unsafe working conditions, and  
for an injury sustained on January 29, 2011,  
in the Circuit Court of Boone County, WV,

Case 15-33896-KRH

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page 12 of 21

81. subsidiary of a result of a injury, back employment of Circuit Court

ported claims against Alex Energy, Inc., a e. for worker's compensation discrimination as after release from a compensable work related al and punitive damages for his discharge from 12. ch claims are pending in a civil action in the vil Action No. 14-C-37. (M. Ranson)

82. claims against Energy Corp plaintiffs in the US Dist cv-27781 an of Appeals, E

D. Davis and Owen T. Davis have purported Alpha Appalachia Holdings, Inc. f/k/a Massey e terms of a Non-Prosecution Agreement and which claims were pending in a civil action in istrict of West Virginia, Civil Action No.'s 2:14- ly pending in an appeal action in the US Court o. 15-1403.

83. L.L.C. and A 2014. (M. R

unfiled claim against Superior Coal Services, for wrongful termination on September 23,

84. Resources

ported unfiled claim against Alpha Natural il 7, 2015. (M. Ranson)

85. Resources, I

ed unfiled claim against Alpha Natural n or about November 3, 2013. (A. Hoosier)

86. Resource 1 2014. (A.

unfiled claim against Alpha Natural ngful termination on or about February 1,

87. d/b/a Black gender-base to Decem Boone C

ed claims against Elk Run Coal Company, Inc. Michael Williamson, an individual, for a during her employment from September 2011 ng in a civil action in the Circuit Court of i No. 13-C-191. (A. Salvatore)

88. Resource conspir from 20 Court

ave purported claims against Alpha Natural Elite Coal Services, L.L.C. for civil l age discrimination during their employment s are pending in a civil action in the Circuit vil Action No. 15-C-145. (A. Salvatore)

89. Inc., Re LLC, an and age

ed claims against Alpha Natural Resources, Resources Services, LLC, Eagle Equipment r civil conspiracy/fraud, retaliatory discharge, ent from 2007 to November 2013, which



Case 15-33896-1

16 Entered 07/29/16 16:52:33 Desc Main  
Page 13 of 21claims are  
Civil Ac

Circuit Court of Fayette County, West Virginia,

9:  
Resource  
West Vi  
of a sett  
Branch  
will be ced unfiled claims against Alpha Natural  
B/a Upper Big Branch Mining Company, a  
ergy Company, for the fraudulent procurement  
leath claim, stemming from the Upper Big  
a member of potential class claimants which  
Action: 12-C-87. (A. Salvatore)9:  
Perform  
corporat  
settleme  
Big Bran  
County  
other worted claims against Alpha Natural Resources,  
Big Branch Mining Company, a West Virginia  
A, for the fraudulent procurement of a  
claim, stemming from an explosion at Upper  
se is pending in the Circuit Court of Boone  
This claim is filed on behalf of her and  
situated. (A. Salvatore)9:  
Services  
June 4,  
Virginiaclaims against Alpha Natural Resource  
ge discrimination which occurred on or about  
the Circuit Court of Raleigh County, West  
Salvatore)6:  
Massey  
and A  
duty a  
are pen  
Actionl claims against Massey Energy Company,  
Company, Alpha Appalachian Services, Inc.  
C, for deliberate intent, negligence/breach of  
ary sustained on April 5, 2010, which claims  
Court of Boone County, West Virginia, CivilInc. and  
occurre  
Circuitted claims against Alpha Natural Resources,  
for Wage Payment and Collection that  
ch claims are pending in civil action in the  
il Action No. 15-C-610. (S. New)Inc. and  
occurre  
Circuitorted claims against Alpha Natural Resources,  
for Wage Payment and Collection that  
ch claims are pending in civil action in the  
l Action No. 15-C-609. (S. New)Inc. and  
about  
Raleited claims against Alpha Natural Resources,  
ate Intent and negligence that occurred on or  
ing in civil action in the Circuit Court of

Case 15-33896

16 Entered 07/29/16 16:52:33 Desc Main  
Page 14 of 21

Inc., A neglig action	claims against Alpha Natural Resources, Quality Fab, LLC for Deliberate Intent and 2013, which claims are pending in civil 15-C-150. (S. New)
and Br discrim pendin New)	claims against Alpha Natural Resources, Inc., workplace harassment and race 2011 through July of 2013, which claims are McDowell County, WV 14-C-138. (S.
Natur claims Civil A	Ellison have purported claims against Alpha Company, Inc. for personal injuries, which Circuit Court of Boone County, West Virginia,
Alpha action (K. H	claims against Aracoma Coal Company and injuries, which claims are pending in a civil West Virginia, Civil Action No. 15-C-295.
Comp Circu	claims against Brooks Run Mining claims are pending in a civil action in the Virginia, Civil Action No. 13-C-160. (Ooten)
Robie which Virgi	and as Executrix of the Estate of James claims against Spartan Mining Company, the Circuit Court of Boone County, West )
Comp (Whi pendi Actio	ed claims against Independence Coal age discrimination; MSHA Collection Act violations, which claims are of Boone County, West Virginia, Civil
disab of M	claims against Highland Mining Company, for pending in a civil action in the Circuit Court No. 15-C-36. (Ooten)
again	ed unfiled employment discrimination claims & Alpha Natural Resources, Inc. (Ooten)
Brool	ed unfiled personal injury claims against Resources, Inc. (Ooten)

Case 15-33896

09/29/16 Entered 07/29/16 16:52:33 Desc Main  
Page 15 of 21against  
Resourorted unfiled employment discrimination claims  
in Creek Coal Sales, Inc. & Alpha Natural

against

ted unfiled employment discrimination claims  
Alpha Natural Resources, Inc. (Ooten)

claims

has purported unfiled employment discrimination  
ny & Alpha Natural Resources, Inc. (Ooten)

against

unfiled employment discrimination claims  
Alpha Natural Resources, Inc. (Ooten)

Bailey.  
Justice  
Thoma  
Birchfi  
Blanke  
Blanke  
Blanke  
Leta B  
Donal  
Cline,  
Robert  
Kenne  
Bobby D.  
Dotson  
Dotson  
Adam  
Hunt,  
Barbar  
Justice  
Keen.  
Robin  
Jenni  
Brenda L  
Lockhart  
Matney  
Chure  
Emily  
Reyno  
Ross  
Steel  
Betty  
again. A

Lee Adams, Robert Adams, Linda Adams, Angel  
Edward Bailey, Ellen Bailey, Flem Justice, Diana  
Michael Bailey, Norma Bailey, Rosie Bailey,  
Bailey, Darlene Blevins, Ethel Birchfield, Donald  
in Birchfield, Freda Birchfield, Burb  
Blankenship, Jr., Chester Blankenship, Millie  
Lyn Blankenship, James Blankenship, Brenda  
Blankenship, Darlene Blevins, Calvin Branch,  
e, Christopher Cline, Dexter Cline, Devon Cline,  
e, Homer Cline, Jr., Junior Homer Cline, Jason  
Homi Cline, Ralph "Ricky" Cline, Jeannie Cline,  
Tammy Cline, Joe Coleman, Kathy Coleman,  
n Coleman, Georgina Coleman, Monroe Collins,  
son, Edgar Dotson, Catherine Dotson, Jimmy  
Latasha Dotson, Marvin Dotson, Tommy  
Kevin Goad, Angela Brown, Crystal Hagerman,  
in, Denver Allen Hunt, Denver Hunt, Eugene  
Hunt, Randy Hunt, Dewey Jackson, Sr.,  
Justice, Phillip Justice, Raymond Justice, Regina  
Justice, Sonny Justus, Ernest Keen, Donna  
e, Jobeth Hurley, Adam Kirk, Woodrow Kirk,  
Janice Lester, Bonnie Lester, Clark Lester,  
er, Linda Lester, Richey Lester, Connie Lester,  
Lockhart, Kasey Lockhart, Kelli Lockhart, Kevin  
L. Allen Matney, Carrie Matney, Nathan  
ney, McMaw's Café, Jordan Morgan, Mt. Zion  
Melody Mullins, Susan Reed, April Reynolds,  
ie Reynolds, Kenneth Reynolds, Patty  
olds, Pearl Rife, Marchell Roberts, Serena  
rly Salyers, Leonard Smith, Lisa Stacy, Betty  
Taylor, Crystal Caskey, Bobby Vernatter,  
purported property damage and related claims  
Twin Star Mining, Inc. for flooding that



Case 15-33896-K

9/16 Entered 07/29/16 16:52:33 Desc Main  
Page 16 of 21

occurred in  
Virginia.

11  
Castle  
2015.

4.

section 362(a) of  
recovery for all

5.

*Authorizing and*

("Motion for 20

with counsel for

Motion for 2004

6.

solely on the

7.

necessary to ena

their claims and

claims solely f

initiated civil

shall include th

applicable De

Surface Mine in McDowell County, West

ed unfiled personal injury claims against Black  
ces, Inc. for injuries that occurred on May 8,

Claimants were automatically stayed under

pending or continuing an action to seek

the Claimants.

the Claimants also filed a *Motion for Order*

*Production of Documents Pursuant to Rule 2004*

(2). The Debtors have worked cooperatively

Claimants with certain information requested in the

on have agreed to modify the Automatic Stay

by modified solely to the limited extent

proceed to a final judgment or settlement of

dated final judgment or settlement on the

le Coverage. For Claimants who have not yet

of summonses, the relief granted herein

of any necessary summonses upon the

ing Available Coverage.

<sup>1</sup> Claimants 99  
Stay Motion in t  
Coverage. Claim

but are similarly situated to the Claimants under the Lift  
just one or more Debtors and seek to pursue Available  
poses of this Stipulation.

Case 15-33896

16 Entered 07/29/16 16:52:33 Desc Main  
Page 17 of 21

by the Claimants that: (a) the automatic stay under 11 U.S.C. § 362 shall be stayed with respect to the specific claims of the Claimants identified in the Schedule of Claims set forth herein, as to which the Claimants are not liable to the Debtor; (b) the automatic stay shall not be modified for the purposes of, seeking any relief, including attorneys' fees, by the Debtors; and (c) the automatic stay shall not be modified for the purposes of, seeking any relief, including attorneys' fees, by the Debtors. The automatic stay shall be resolved under the terms of the Plan (the "Plan") (or any modified Plan) of the Bankruptcy Code. The Claimants shall be limited to the proceeds available from the estate of the Debtor, and (c) the automatic stay shall be resolved under the terms of the Plan. This Stipulation shall in no way affect the automatic stay regarding any matters raised in any Proof of Claim. The automatic stay shall have no effect as to parties other than the Debtors' estates. The automatic stay shall remain in full force and effect with respect to such parties, if any, against the Debtors and their estates.

Case 15-33890

09/16 Entered 07/29/16 16:52:33 Desc Main  
Page 18 of 21

alters, amends or here-  
policies or rel- here  
Debtors to rel- a  
right, if any, of  
subparagraph (1)  
to the extent  
modified to p-  
administration  
Claimants aga-  
any insurer to  
under any all-  
constitutes a c-  
Claimants' cla-

but not limited to, paragraph 8 hereof) (a)  
and conditions of any of the Debtors' insurance  
limited to, (i) the obligation, if any, of the  
within a deductible and for defense costs, (ii) the  
any collateral to the obligations, if any, in  
Debtors fail to reimburse the insurer therefor (and,  
tion 362 of the Bankruptcy Code is hereby  
of the Debtors to cooperate in the handling,  
(b) creates a direct right of action by the  
(c) precludes or limits, in any way, the right of  
e, primacy and/or scope of available coverage  
ise assert any defenses to coverage; or (d)  
insurance coverage exists with respect to the

solely as to the  
Stipulation as  
upon the Cour  
Stipulation sh-  
including insu  
under the ap-

on (Docket No. 490) shall be deemed withdrawn  
s provided herein upon the Court's entry of this  
for Examination shall be deemed withdrawn  
reed Order.<sup>2</sup> Nothing contained in this  
ted in Paragraph 3 from seeking discovery,  
ive civil actions to the fullest extent permitted  
I procedure.

<sup>2</sup> The Motion for  
Williams, Charle  
automatic stay p-

oned withdrawn as to claimants, Christopher Brad  
ly and Larry George, who were granted relief from the  
o (Docket No. 2637).



Case 15-33896

9/16 Entered 07/29/16 16:52:33 Desc Main  
Page 19 of 21

nor shall it be a  
the claimants'

the allegations

evidence that it  
provided here

facsimile, which

execute this St

order of Court

all parties here

Dated: \_\_\_\_\_  
Richm

/s/ Henry P. (\_\_\_\_\_  
Tyler P. Brown  
J.R. Smith (V.  
Henry P. (Tol  
Justin F. Page  
HUNTON &  
Riverfront Pla  
951 East Byr  
Richmond,  
Telephone: (\_\_\_\_\_  
Facsimile: (\_\_\_\_\_  
and

NAI-1501548107v1

order is intended to bind any non-debtor defendant  
claim against any non-debtor defendant in any of  
(d).

we any and all rights and defenses with respect to  
debtors.

led in any Court of competent jurisdiction as  
yled bankruptcy has been modified for cause, as  
bankruptcy Code.

igned in counterpart originals and delivered by  
stitute a single original.

ounsel represents that he/she is authorized to  
active client(s).

et upon submission to the Court without further  
amended or vacated without written consent of

/s/ Bruce W. White \_\_\_\_\_  
Bruce W. White, Esquire  
8550 Mayland Drive, Suite 206  
Richmond, VA 23294  
VA Bar No. 19840  
(804) 288-4328

and

Spencer D. Elliott, WV Bar #8064 (admitted *pro*  
*hac vice*)  
LEWIS, GLASSER, CASEY & ROLLINS,

2-

Case 15-33895

9/16 Entered 07/29/16 16:52:33 Desc Main  
Page 20 of 21

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Carl E. Black  
Thomas A. W  
JONES DAY  
North Point  
901 Lakeside  
Cleveland, O.  
Telephone: (21  
Facsimile: (21

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DEBTORS IN

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P.O. Box 1746  
Charleston, WV 25326  
(304) 345-2000

COUNSEL FOR CERTAIN WEST VIRGINIA  
CLAIMANTS

Jul 29 1

IS STIPULATION IS SO ORDERED:

Dated: \_\_\_\_\_  
Rich

Kevin R Huennekens  
UNITED STATES BANKRUPTCY JUDGE

Ent

**OF ENDORSEMENT**  
**BANKRUPTCY RULE 9022-1(C)**

Pursuant  
proposed order

9022-1(C), I hereby certify that the foregoing  
is true and correct upon all necessary parties.

/s/ Henry P. (Toby) Long, III